

Subject: Position of the Polish Association of Fish Processors regarding the:

"European guide to good practice for smoked fishes and / or salted and / or marinated"

The Polish Association of Fish Processors, representing Polish producers and processors of the Fisheries and aquaculture products, supports every substantive initiative aimed at establishing the highest standards of production and at increasing food safety -especially the safety of the EU consumers.

This particularly applies to salmon processing, where Poland is the largest processor and supplier, not only in the European Union but also globally.

We declare not only our readiness for constructive cooperation on the proposal of a good practice guide for smoked fishes and / or salted and / or marinated, but given that our association, the only recognized representative of the Polish processors of fishery and aquaculture products, has not been included in the work on the guide, we even expect and we are asking to include us in these substantive works.

We are convinced that such an important document, although not obligatory in its application, will set standards for the whole industry, the market in the European Union and thus for the services and inspections of the European Commission and the administration of the Member States.

Due to the above and in view of the need to guarantee the full and equal participation and representation of all interested parties in the consultation process, we propose that the work on the guide should be moved to objective forums set up and acting for such purposes within the framework of the Common Fisheries Policy of the EU.

We propose that further work, would be carried out within the one of the Working Group of AIPCE (The European Fish Processors Association) – with assistance of the Working Group III of the Market Advisory Council.

We declare the participation of our experts in this work; both within the PSPR membership in AIPCE and in MAC.

At this stage we present below our essential remarks on the issues we had identified and the scope of "European guide to good practice for smoked fishes and / or salted and / or marinated" presented by ESSA, which require careful analysis, refinement, or even improvement;

1. Outdated technologically:

The present version of the guide is out of date - it has to be updated to meet hygienic design requirements for equipment and devices. The "Guide" refers only to the Machinery Directive in an outdated 1995 version.

They do not refer, for example, to the standard EN 1672-2 + A1 Food Processing Machinery - Basic Concepts - Part 2: Hygiene requirements or to the guidelines of European Hygienic Engineering & Design Group (EHEDG).

It has to be remarked at this point, that -compared to other fish processing segments, salmon processing is the largest, fastest and most advanced technology changing one in the industry. This part must be treated with special attention!

2. Out of date for food safety:

The present version of the guide is out of date in terms of solutions for control of the bacteriological hazards:

The methods used to secure food safety, especially the fight against bacteriological hazards, including *Listeria monocytogenes*, need to be refined.

The ones included to the draft text of the Guide are very limited and hermetic.

It seems that they follow only the French “Guide de bonnes pratiques d’hygiène et d’application de l’HACCP Poissons fumés et/ou salés et/ou marines” and are simply outdated .

For example they ‘re limited to traditional use of acetic acid to wash raw material but not mentioning, at all, any of the modern methods like; neither ozonized water or water with chlorine dioxide, nor the use of bacteriocides as a means of preventing cross-contamination, which are very effective in the fight against *Listeria* and can bring real benefit to the processors. and consumers.

Polish processors are particularly experienced in this field;

Poland has significantly reduced notifications in RASFF from 26 in 2014 (61.9%) to 6 in 2016 (17,6%).

Another example; the largest salmon processor in Poland and around the world, despite processing about 90,000 tonnes of raw material annually and providing 20% of the global supply of salmon products, has not been reported in RASFF at all.

3. Not clear in editorial terms:

The present version of the guide is not clear in editorial terms:

Documents such as the "Guides and Codes" serve a wide range of recipients and therefore must have a clear and well-structured form and content.

Models already exist; good examples are codes of Codex Alimentarius, for example, CODE OF PRACTICE FOR FISH AND FISHERY PRODUCTS CAC / RCP 52-2003 [http://www.fao.org/fao-who-codexalimentarius/sh-](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCAC%2BRCP%2B52-2003%252FCXP_052e.pdf)

[proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCAC%2BRCP%2B52-2003%252FCXP_052e.pdf](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCAC%2BRCP%2B52-2003%252FCXP_052e.pdf)

4. Undefined in terms of actual legal status:

The interpretation of the aimed legal status for this document requires a clear explanation in relation to the EU law, and to the common arrangements and interpretations of the Member States;

According to regulation 852/2004 ("REGULATION (EC) No 852/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on the hygiene of foodstuffs) Chapter III, Article 7 "Member States shall encourage the development of national guides **to good practice for hygiene and for the application of HACCP principles**".

Such an encouragement is difficult to be implemented simply as the binding law- in the light of European Union regulations and therefore other similar codes are not obligatory.

In addition, the draft "Guide" proposed by the ESSA, seems to impose marketing requirements, thus entering the legal scope already covered by the REGULATION (EU) No 1169/2011 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2011 on the provision of food information to consumers,(...)"

An example of the content of this draft Guide is:

- a. p.OPE 3.1 labelling

Fillet stiffened in static chamber longer than 96h – The product must be labeled: **defrosted product**

- b. or Appendix III

"Products stiffened as defined here are classified as Never Frozen products."

If a marking point was adopted this would be contrary to the principle of voluntary use of the Guidelines as described in Regulation 852/2004, chapter III, art.7

"The dissemination and use of both national and Community guides shall be encouraged. Nevertheless, food business operators may use these guides on a voluntary basis."

The "Guide" proposes to redefine the existing "defrosted" labeling rules.

Member States have already stated that there is no need for any other approach than the one already agreed.

This was done after French administration raised concerns on the storage time of the frozen product prior to slicing.

DG Sante, in its statements and correspondence with the administrations of the Member States, has already confirmed: Member States have agreed that a refined approach should not be introduced and there is no need to continue this issue. *"Here are the documents for 09/15 (UP-DATE 2)EC to discuss with MS about derogation of defrosted for smoked salmon UP-DATE 2(16.06.15): DG SANTE informs of the following outcome of the discussion held on 10th June with MS:*

Derogation to the indication 'defrosted' in smoked salmon:

While some MS agreed with the ESSA submitted comments, all MS agreed that no stricter approach should be taken.

The Commission consider that the enforcement authorities are responsible to assess in collaboration with food business operators (FBOs) what is the appropriate approach on a case by case basis.

It is up to FOBs to provide to the national authorities with the necessary explanations about their production method, temperature and time.

The Commission will not intervene in the different production processes, which are being applied in the different member states and concluded that there is no need to continue any discussion on this topic.

UP-DATE(05.06.15):

In preparation of the MS-EC discussion on defrosted/smoked salmon on 10th June, and upon request of the Commission, ESSA will be sending them the attached information regarding different procedures of stiffening from the ESSA Code version as adopted at the last Extraordinary GA.

(First message on 04.06.15):Dear all,

On 10th June the European Commission will be holding a Working Group meeting with member states to discuss implementation of food information to consumers Regulation 1169/2011.

On the agenda there is the following point:

Derogation to the indication 'defrosted' in smoked salmon (point 7e.i. in the attached).

DG SANTE has informed that the French government has raised concerns as to whether the freezing for more than 48h (e.g. up to one week) in the salmon smoking process can be accepted as a processing step to qualify for the derogation of the indication of defrosted. As a preliminary comment, the EC considers this needs to be assessed on a case by case basis to understand the processing and needed steps."

Taking into account the above-mentioned issues and their relevance to the Polish and European industry, the PSPR once again unambiguously declares its willingness to join the work on updating the "Guide", so that the results of the work are objective and substantive - in line with EU consultation standards.

We have already started work on our proposal for the text to supplement the already existing draft guide, which we will submit for consultation at AIPCE and MAC forum. Please notice that the scope of necessary and raised issues and additions is laborious and time consuming.

Therefore, we propose to postpone the presentation of the text of the Guide for consultation with the Member States and DG Sante until a common text has been drawn up in the consultation process for all concerned representatives of the EU industry.

Gdynia, 25.09.2017,

Jaroslawn Zieliński,

Member of the Board, on behalf of the Board of the PSPR